

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held February 5, 2013

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:38 p.m. by Chairman William B. Hawk, on the above date, in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: David B. Blain, William C. Seeds, Sr., William L. Hornung, and Gary A. Crissman.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; and Ted Robertson and Watson Fisher, SWAN.

Pledge of Allegiance

Mr. Hawk dispensed with the recitation of the Pledge of Allegiance as it was previously recited during the Sewer Authority Meeting.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the November 27, 2012 workshop meeting and the January 7, 2013 business meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

Mr. John Rice, 6291 Stable Court explained that he was present at a meeting in August regarding the stormwater ordinance. He explained that he thinks it is a gross misinterpretation of the Department of Environmental Protection's (DEP) ordinance that the Township is implementing. He explained that he called several other Townships and DEP and they told him

that improvements on his lot depend on the amount of impervious coverage that is approved on the subdivision plan. He explained that he accepted what happened in August and went through the process and the project is complete, however, he is left with money in a stormwater guarantee in an escrow with the Township. He noted in order to get it back he has to pay \$1,100 to the Township for engineering fees. He noted that \$370 of that fee was for someone to stand in his backyard for four hours and watch stone be placed into a trench. He noted that it is out of control and it is not right or fair. He explained, he is separated by 100 feet from his neighbor who purchased the last lot in the development, built a 3,000 square foot house with a three bay garage, and a swimming pool and they were not required to do a stormwater plan on their lot but he was required to. He noted that he cannot understand why he was required to do this and it is unfair.

Mr. Hawk noted that he is not sure how to respond to this until he gets more information.

Mr. Seeds noted that Mr. Rice probably had to follow the State regulations. Mr. Rice questioned who is making the decision for when it is applicable. Mr. Seeds noted that the Township must follow the State guidelines as well. Mr. Rice noted that every other Township that he spoke to told him that it is not a requirement for the percentage of impervious coverage on your lot. He noted that he has a 2.5 acre lot and even at 10% he falls under the requirement.

Mr. Wolfe noted that there is no way that he could answer the question at this time. He stated that it would require a detailed response based upon regulations that he would have to research.

Mr. Blain questioned who would direct this. Mr. Wolfe answered that it was Steve Fleming, the Township Engineer, who did the final review. He noted that this explanation was

discussed at workshop sessions; however, he could have Mr. Fleming come to the next workshop session to discuss it.

Mr. Hawk noted that the Township Engineer could review this with the Board and relay the information back to Mr. Rice.

Mr. Blain questioned Mr. Rice if he received written correspondence with the regulations that he needed to meet. Mr. Rice answered that he was instructed by Mr. Wolfe to review the ordinance that was online in July. He explained that he had to pay his engineer out of his pocket; however, when he got the bill for \$1,100 from the Township, then he started calling around and found that Lower Paxton Township is the only one enforcing or interpreting the regulations this way. He noted, from what he could see, everyone has the same ordinance which he assumes came from DEP. He noted that it involves the amount of impervious coverage you are allowed on your lot and not how big a project is.

Mr. Hawk noted that he could not provide an immediate answer at this time and he requested time to discuss this with Mr. Fleming.

Mr. Seeds suggested that other Townships may not be enforcing this regulation.

Mr. Wolfe noted that state-wide, it is a new set of documents and municipalities are doing it differently, and their interpretation, in his mind, is not always correct. He noted that there has been recent DEP/EPA enforcement of municipalities that are not properly enforcing the regulations which have resulted in significant fines. He noted that the Board reviewed this previously and he would be happy to have Mr. Fleming review it again in a workshop session. He noted that part of the overall threshold criteria is square footage of new impervious area over that which was planned for in the development.

Mr. Hawk noted that he would get Mr. Rice an answer.

Chairman and Board Member's Comments

No comments were provided by Board members.

Manager's Report

Mr. Wolfe noted that new State regulation went into effect this year and collectors such as Waste Management are no longer allowed to accept, at curbside, as part of the trash collection electronic devices, such as computers, lap tops, televisions, computer monitors and the like. He noted that those items are required to be recycled. He noted that items can be taken to the Dauphin County Recycling Center at 1620 South 19th Street and several businesses in the community will accept recycled devices. He noted that Best Buy will accept television sets for recycling that are 32 inches in size or smaller. He noted you may want to make contact with a retail merchant in the community to see if they will accept the old devices.

Mr. Hawk noted that many of the local television stations are highlighting the recycling issue as part of their local newscasts.

Mr. Wolfe noted that the curbside Leaf Waste Collection Program will start the week of April 8, 2013 with Waste Management providing for the unlimited collection of leaf waste at curbside twice a month. He noted the service is provided as part of the regular trash and recycling collection program. He noted that it does not include grass as grass is considered to be garbage and can be put out with the regular trash collection. He noted that Township's Compost facility will open on April 2nd for business on Tuesdays, Thursdays and Saturdays from 7:30 a.m. to 5 p.m. He noted that 2013 annual fee for residents is \$35 annually or \$10 for a one-day pass and there are corresponding increases for contractors as well.

Mr. Wolfe noted that the Lower Paxton Township Police Department will be conducting its Citizen's Police Academy from March 4th until May 13th. He noted that the 11 week program

meets one night a week with most sessions at the Municipal Center from 6 p.m. to 9 p.m. He noted more information can be received by contacting the Police Department and the deadline for applications is February 25, 2013.

OLD BUSINESS

Resolution 13-06; authorizing the Chairman and the Secretary to Execute the Second Amendment to the Second Consent Decree

Mr. Hawk noted that the Board previously approved a similar resolution for the Sewer Authority. Mr. Stine noted that he had nothing more to add.

Mr. Crissman made a motion to approve Resolution 13-06; authorizing the Chairman and the Secretary to execute the Second Amendment to the Second Consent Decree. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

NEW BUSINESS

Action on amendments to the AFSCME collective bargaining Agreements to the properly restate certain contract language

Mr. Wolfe explained that the Board adopted agreements with the three AFSCME collective bargaining units; Public Works, Sewer and Clerks and Custodians. He noted in one of the agreements the math was not calculated properly and there was an increase in employee contributions in the Public Works Agreement for pension of 1%, but it was not added properly and that number was improperly stated. He noted that all three contracts were reviewed and the other two contracts were found to be properly stated, however it was realized that it stated a percentage in the contract for employee contributions that has to be amended and changed every time the plan document is changed. He noted that staff would like the pension plan document to be the guiding document and as a result there was a need to amend all of the collective

bargaining agreements to state the increase contribution of 1% but not state the total contribution as it is stated in the pension plan document.

Mr. Wolfe noted that the contract language correction has been reviewed by all three bargaining units, found to be acceptable, and they have all signed the contract addendum. Mr. Wolfe asked the Board to take similar action this evening.

Mr. Hawk noted that this change starts with Public Works in 2013 and in 2014 for Sewer and Clerks and Custodians. Mr. Wolfe noted that is correct.

Mr. Crissman made a motion to approve the amendments to the AFSCME collective Bargaining Agreements to properly restate certain contract language. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Action on bids for the BC-6A, 6B, and 6C sanitary sewer replacement project

Mr. Wolfe explained that seven bids were received for the sanitary sewer replacement project and the low bid was submitted by Doli Construction Corporation in the amount of \$5,959,359.00. He noted that the bid was reviewed by engineer and staff and found to be acceptable and complete. He explained that Doli has worked for the Authority in the past and their work has been acceptable.

Mr. Wolfe noted if you review the bid summary sheet, the first four bidders were within 5% of each other and all but one was within the engineer's estimate. He noted that it is staff's recommendation to take action this evening to award the bid for this construction project to Doli.

Mr. Hawk noted that there was an amendment concerning bid items 25.2 and 25.3 that needed clarification. He questioned if it would impact the final bid. Mr. Wolfe answered no. Mr. Seeds suggested that it needs to be part of the motion to have the low bidder sign the amendment. Mr. Wolfe noted that the issue is that Doli did not provide the Authority with a

balanced bid and it wants to ensure that Doli can do the work in accordance with the addendum. He noted that it will be pointed out to Doli and the award should be conditioned upon their understanding for what they bid in 25.2 and 25.3. Mr. Hawk noted that the difference between the next lowest bidder is only \$163,000.

Mr. Crissman made a motion to accept the bids for the BC-6A, 6B, and 6C sanitary sewer replacement project to Doli Construction in the amount of \$5,959,359.00 contingent to the agreement of the attached amendments. Mr. Blain seconded the motion.

Mr. Hornung questioned where this work will be located in the Township and when the work will commence. Mr. Wolfe answered that it will start with this upcoming construction season, probably taking 60 days to go through the contract process.

Mr. Hornung noted that it is a favorable bid environment for the Township at this time and since the Township is mandated by DEP to get this work done, the Board is taking advantage of the favorable conditions. He noted that it also provides jobs for workers. He noted that the Authority is borrowing money at a very low interest rate to take advantage of the favorable bid environment. He noted that this bid was almost one million dollars below the engineers' estimate.

Mr. Wolfe noted that BC-6A is the area of Princess Avenue, Lance, Hamilton and Count Street area. He noted that BC-6B is Royal Avenue including the area between the Municipal Center and Locust Lane, and BC-6C includes the area towards Route 22 around Fritchey Street on either side of Houcks Road. He noted it would be a little west of Houcks Road, south Locust Lane and North to Route 22, and east towards Nyes Road. He noted that it is the oldest sanitary sewer section in the Township.

Mr. Hornung noted that he had a person call him about having to attend a meeting in regards to this project. He assumed that Mr. Weaver and his staff were able to answer all the questions during the meeting as he never heard anything back from that person. He noted that she had many concerns about her yard being dug up and her flowers and trees. Mr. Wolfe noted that staff does a very good job explaining the projects to the residents and meeting individually with them to discuss their property issues. He noted that he rarely hears a complaint or does it reach the Board level.

Mr. Hawk called for a voice vote and a unanimous vote followed.

Action on a lease for a Volvo Wheel Loader with Highway Equipment Co.

Mr. Wolfe explained that a Wheel Loader is a big four wheel piece of equipment that has a huge bucket that is used to move materials on a construction site as well as moving earth. He noted that the Township currently has two wheel loaders but both are aging and the proposal before the Board is in accordance with the 2013 budget, to lease a 2012 Volvo L90G Wheel Loader with a three-in-one bucket that would include a trade in of an existing wheel loader at \$40,000. He noted that the wheel loader would be purchased in accordance with the Costars pricing which provides for a 35% reduction in overall pricing to municipal government in Pennsylvania. He noted that the lease is at a rate of 2.754% over three years with a principal amount of \$57,215.89 in three installments.

Mr. Seeds noted that there were 12 options and the Township chose option one.

Mr. Crissman made a motion to approve the lease for a Volvo Wheel Loader with Highway Equipment Company in the amount of \$162,215 for a three year agreement at the rate of \$57,215.89 annually. Mr. Seeds seconded the motion.

Mr. Blain questioned why Option One was chosen. Mr. Wolfe answered that staff has been entering into leases for police vehicles and public work vehicles on a three year basis and the options provided are multiple years using different interest rates. He noted that staff took the lowest interest rate at the three-year term.

Mr. Blain questioned how long Public Works keep a wheel loader. Mr. Wolfe answered 10 to 12 years. Mr. Blain noted that he understands that you chose the lowest interest rate, however, the five year option has an interest rate that is a tenth of a percent different and the payment per year would be \$22,000 less. He noted for the use of the money, to gain that tenth of a basis point, it seems to be a better option to lease it over five years, providing for a lower payment and use of the cash. He noted that difference between 2.75% and 2.85% is negligible for the interest rate. Mr. Wolfe noted that the recommendation is based upon the budget discussions and we have always talked about leasing for three years. He noted that Mr. Blain's point is well taken. Mr. Hornung noted that normally the interest rate is much higher for a longer payout time. Mr. Blain noted that the interest rate environment is very depressed at this time. He suggested for this situation staff might want to consider a five year payment period. Mr. Seeds noted that Option 7 also provides a low interest rate. Mr. Wolfe noted that the principal rate is much higher for that option.

Mr. Crissman removed his motion to use option one for the lease. Mr. Seeds removed his second as well.

Mr. Blain made a motion to approve the lease for a Volvo Wheel Loader with Highway Equipment Company in the amount of \$202,215.00, for a five year agreement at the rate of \$35,362.80 annually. Mr. Hornung seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Improvement Guarantee

Mr. Hawk noted that there were no improvement guarantees to approve.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 8:12 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary